

**State of California
Office of Administrative Law**

In re:
California Highway Patrol

Regulatory Action:

Title 13, California Code of Regulations

Adopt sections: 1217.2, 1263.2

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2018-1129-01

OAL Matter Type: Regular Resubmittal (SR)

This action adopts two sections concerning emergency lighting fixtures and passenger safety information for charter-party carrier buses.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 12/20/2018.

Date: December 20, 2018



**Nicole C. Carrillo
Attorney**

**For: Debra M. Comez
Director**

**Original: Warren A. Stanley, Acting
Commissioner**

Copy: David Kelly

OFFICE OF ADMINISTRATIVE LAW

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DEBRA M. CORNEZ
Director

MEMORANDUM

TO: David Kelly
FROM: OAL Front Desk JD
DATE: December 27, 2018
RE: Return of Rulemaking Materials
OAL Matter Number 2018-1129-01
OAL Matter Type Regular Resubmittal (SR)

OAL hereby returns the rulemaking record your agency submitted for review regarding "Charter Party Carrier Bus Safety."

If this is an approved matter, it contains a copy of the regulation(s) stamped "ENDORSED APPROVED" by the Office of Administrative Law and "ENDORSED FILED" by the Secretary of State. The effective date of an approved regulation is specified on the Form 400 (see item B.5).

Beginning January 1, 2013, unless an exemption applies, Government Code section 11343.4 states the effective date of an approved regulation is determined by the date the regulation is filed with the Secretary of State (see the date the Form 400 was stamped "ENDORSED FILED" by the Secretary of State) as follows:

- (1) **January 1** if the regulation or order of repeal is filed on September 1 to November 30, inclusive.
- (2) **April 1** if the regulation or order of repeal is filed on December 1 to February 29, inclusive.
- (3) **July 1** if the regulation or order of repeal is filed on March 1 to May 31, inclusive.
- (4) **October 1** if the regulation or order of repeal is filed on June 1 to August 31, inclusive.

If an exemption concerning the effective date of the regulation approved in this matter applies, then it will be specified on the Form 400. The Notice of Approval that OAL sends to the agency will include the effective date of the regulation. The history note that will appear at the end of the regulation section in the California Code of Regulations will also include the regulation's effective date. Additionally, the effective date of the regulation will be noted on OAL's web site after OAL posts the Internet Web site link to the full text of the regulation that is received from the agency. (Gov. Code, secs. 11343 and 11344.)

Please note this new requirement: Unless an exemption applies, Government Code section 11343 now requires:

1. **Section 11343(c)(1):** Within 15 days of OAL filing a state agency's regulation with the Secretary of State, the state agency is required to post the regulation on its Internet Web site in an easily marked and identifiable location. The state agency shall keep the regulation posted on its Internet Web site for at least six months from the date the regulation is filed with the Secretary of State.
2. **Section 11343(c)(2):** Within five (5) days of posting its regulation on its Internet Web site, the state agency shall send to OAL the Internet Web site link of each regulation that the agency posts on its Internet Web site pursuant to section 11343(c)(1).

OAL has established an email address for state agencies to send the Internet Web site link to for each regulation the agency posts. Please send the Internet Web site link for each regulation posted to OAL at postedregslink@oal.ca.gov.

NOTE ABOUT EXEMPTIONS. Posting and linking requirements do not apply to emergency regulations; regulations adopted by FPPC or Conflict of Interest regulations approved by FPPC; or regulations not subject to OAL/APA review. However, an exempt agency may choose to comply with these requirements, and OAL will post the information accordingly.

DO NOT DISCARD OR DESTROY THIS FILE (the following does not apply to files that have been disapproved or withdrawn)

Due to its legal significance, you are required by law to preserve this rulemaking record. Government Code section 11347.3(d) requires that this record be available to the public and to the courts for possible later review. Government Code section 11347.3(e) further provides that "...no item contained in the file shall be removed, altered, or destroyed or otherwise disposed of." See also the State Records Management Act (Government Code section 14740 et seq.) and the State Administrative Manual (SAM) section 1600 et seq. regarding retention of your records.

If you decide not to keep the rulemaking records at your agency/office or at the State Records Center, you may transmit it to the State Archives with instructions that the Secretary of State shall not remove, alter, or destroy or otherwise dispose of any item contained in the file. See Government Code section 11347.3(f).

Enclosures

NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-0306-02	REGULATORY ACTION NUMBER 2018-1129-01 SR	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2018 NOV 29 A 10:57

OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

DEC 20 2018

1:34 PM

AGENCY WITH RULEMAKING AUTHORITY

Department of the California Highway Patrol

AGENCY FILE NUMBER (If any)

CHP-R-2017-06, IM-2372-2018

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2018, 11-Z	PUBLICATION DATE 3/16/2018

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Charter Party Carrier Bus Safety		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2018-0517-01S	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 1217.2 & 1263.2	
TITLE(S) 13		AMEND	
		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))			
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____			
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) July 31, 2018 to August 15, 2018			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Officer David Kelly		TELEPHONE NUMBER (916) 843-3400	FAX NUMBER (Optional) (916) 322-3154
		E-MAIL ADDRESS (Optional) CVSRegs@chp.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

J. T. EPPERSON, Chief

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 20 2018

Office of Administrative Law

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

FINAL REGULATION TEXT

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5,
ARTICLE 3, ADD SECTION 1217.2 AND
ARTICLE 8, ADD SECTION 1263.2

CHARTER PARTY CARRIER BUS SAFETY (CHP-R-2017-06)

Existing text:Times New Roman 12 point font.

Additions:Times New Roman 12 point font with single underline.

Title 13, California Code of Regulations, Chapter 6.5. Motor Carrier Safety

Article 3. General Driving Requirements

§ 1217.2. Charter Bus Passenger Safety Information.

(a) Prior to the beginning of any trip, the driver of every vehicle designed to carry 39 or more passengers, operated in charter bus transportation pursuant to Section 5363(b)(1) of the Public Utilities Code, shall instruct or play a video for all passengers on the safety equipment and emergency exits of the vehicle. The driver shall provide written or video instructions, or both, which include at least a demonstration of the location and operation of all exits, including emergency exits, and the requirement to wear a seatbelt, if available, and that not wearing a seatbelt is punishable by a fine.

(b) Definitions. For the purpose of this section, the following definitions apply:

(1) "All passengers" includes every individual within the group of persons who, as part of a single cause and under a single contract, have acquired exclusive use of the vehicle to travel together.

(2) "Prior to the beginning of any trip" means immediately before the vehicle is first put in motion following the boarding of all passengers at the trip origin location. If at any time during the charter bus transportation, any passenger boards the vehicle for the purpose of transportation who has not received the instructions required by this section, the driver shall provide the required instructions to the passenger(s) prior to the vehicle again being placed in motion.

(3) "All exits" includes every window, door, roof exit, or other means by which any passenger could exit the vehicle.

(4) "Written instructions" means a clearly legible hard copy of not less than 8 1/2" X 11" made of durable material which resists deterioration from liquid or repeated handling, which includes

all information required by this section. Information shall be presented in a format consisting of verbiage displayed in a minimum of 14 point font, universally recognized and easily understood symbols or drawings, or both. Verbiage included in the instructions shall be in plain English and may also incorporate instructions in other languages as necessary to accommodate passengers.

Note: Authority cited: Sections 2402, 34500.1, 34501, and 34505.8, Vehicle Code. Reference: Section 34505.8, Vehicle Code, and Section 5363, Public Utilities Code.

Article 8. General Equipment Requirements

§ 1263.2. Charter Party Carrier Bus Safety.

(a) Emergency lighting fixtures. Motor carriers shall not operate any bus designed to carry 39 passengers or more including the driver, manufactured on or after July 1, 2020, and described in Section 5363(1)(b) of the Public Utilities Code, unless the bus is properly equipped and in compliance with the following requirements:

(1) Buses shall be equipped with emergency lighting fixtures that will automatically illuminate the interior of the bus in the event of an impact, collision, or rollover, under all conditions of bus operation and orientation, including when the bus is stationary.

(2) Emergency lighting fixtures shall be permanently mounted in locations throughout the interior of the bus in a manner which does not interfere with passenger ingress, egress, or comfort, including egress through required emergency exits. The fixtures shall not have sharp edges or protrusions which may cause injury to passengers or damage to property.

(A) Interior lamps meeting the requirements of Section 1217(h) may be used, in whole or in part, to fulfill this requirement.

(3) Emergency lighting fixtures, which illuminate automatically as required by subdivision (a)(5), shall remain illuminated until all passengers, including the driver, have exited or been evacuated from the interior of the bus.

(4) Light emitted by the emergency lighting fixtures shall be sufficient to illuminate the entire interior of the bus in a manner sufficient to facilitate egress of passengers in the event of an emergency.

(5) Emergency lighting fixtures shall automatically illuminate when the bus is involved in any incident in which the bus rolls over, is impacted by any object, or is involved in any collision, at any angle, when that impact or collision exerts a force of greater than 5 times the force of gravity on any passenger or the driver, or exceeds the equivalent of a 10 mile per hour impact of the bus versus any stationary object.

(6) Emergency lighting fixtures shall be electrically self-powered, powered by the bus electrical system, powered by an auxiliary electrical source, or any combination thereof.

(7) In addition to automatic illumination requirements, emergency lights may be illuminated manually by the driver or any person within the driver's compartment. Notwithstanding manual illumination, if the bus is involved in any incident outlined in subdivision (a)(5), the lights shall illuminate automatically and remain illuminated without manual intervention.

(8) Emergency lighting fixtures and their installation shall meet, and may not be in conflict with, any applicable Federal Motor Vehicle Safety Standards, in effect at the time of the emergency lighting fixture installation.

(b) Compliance with Federal Motor Vehicle Safety Standards (FMVSS). Every bus described in

subdivision (a) shall, at all times, be maintained in compliance with all FMVSS in effect at the time of manufacture.

(1) No person shall at any time disable, render ineffective, or remove any device or element of design required by any FMVSS applicable at the time of manufacture.

Note: Authority cited: Sections 2402, 27426, 34500.1, and 34501, Vehicle Code. Reference: Sections 27425, Vehicle Code, and Section 5363, Public Utilities Code.